

VALLANDIGHAM, C. L.

DRAWER 10C

CONTEMPORARIES

71.2007.085.03918

Abraham Lincoln's Contemporaries

Clement L. Vallandigham

Excerpts from newspapers and other
sources

From the files of the
Lincoln Financial Foundation Collection



Digitized by the Internet Archive
in 2013

<http://archive.org/details/abrahamlincolnscclvlinc>

From *The Lincoln Library*
of Daniel F. Lincoln
Jamestown, New York

NEW YORK STATE AND The CIVIL WAR

FEBRUARY 1963



THE ARREST OF CLEMENT L. VALLANDIGHAM

NEW YORK STATE and THE CIVIL WAR



MEMBERS

BRUCE CATTON, Chairman
DR. JOHN HOPE FRANKLIN,
Vice Chairman
CARL HAVERLIN, Secretary
MAJOR GEN. A. C. O'HARA,
Chief of Staff to the Governor
HON. ELISHA T. BARRETT
WALTER A. CAPITAIN
ORMONDE DE KAY
HON. LLOYD E. DICKENS
DR. WILBUR H. GLOVER
HON. PAUL B. HANKS, JR.
RICHARD W. LAWRENCE, JR.
SOL MASCH
MARTIN RARBACK
DR. GLYNDON G. VAN DEUSEN
MRS. LILA ACHESON WALLACE

EXECUTIVE DIRECTOR

THOMAS E. MULLIGAN, JR.

EDITORIAL STAFF

Editor
THOMAS E. MULLIGAN, JR.

Associate Editor

ENOCH SQUIRES

Art Director
HERBERT WRITER

NEW YORK CIVIL WAR CENTENNIAL COMMISSION

NELSON A. ROCKEFELLER, Governor
MALCOLM WILSON, Lieutenant Governor

EX-OFFICIO MEMBERS

HON. WALTER J. MAHONEY, Temporary President and
Majority Leader of the Senate
HON. JOSEPH F. CARLINO, Speaker of the Assembly
HON. ELISHA T. BARRETT, Chairman of the Senate
Finance Committee
HON. GEORGE L. INGALLS, Majority Leader of the
Assembly
HON. JOSEPH ZARETZKI, Minority Leader of the Senate
HON. ANTHONY J. TRAVIA, Minority Leader of the
Assembly
HON. FRED W. PRELLER, Chairman, Assembly Ways and
Means Committee

HONORARY CHAIRMAN

MAJOR GEN. ULYSSES S. GRANT 3RD

VOLUME 2 NUMBER 8 FEBRUARY, 1963

IN THIS ISSUE

LINCOLN POLITICAL FOE SEIZED	1
TIME SPOTLIGHTS DR. FRANKLIN	12
CATTON HAILS NEW FRANKLIN BOOK	14
BASIC HUMAN RIGHTS: AN EXHIBIT	16

COVER PICTURE: A vociferous Copperhead and late member of Congress, Clement L. Vallandigham was arrested May 5, 1863, at his Ohio home under orders of General Ambrose E. Burnside. The dramatic midnight scene depicted by Herbert Writer, NYCWCC artist, is adapted from a woodcut that appeared in *Frank Leslie's Illustrated Weekly* about three weeks after the seizure. The Vallandigham affair had serious repercussions, but Lincoln refused to make a martyr out of him.

Photo Production by BURNS PHOTOGRAPHY, Inc.

LIBRARY OF CONGRESS CATALOG CARD NUMBER: A 61-9661

Published monthly by the New York Civil War Centennial Commission, Albany, N. Y. Address all communications to P. O. Box 1861, Capitol Station, Albany, N. Y. Telephone HEMlock 6-1861. Permission to reprint in whole or part may be obtained on request.



Arrest of Copperhead Chief Recoiled Albany Democrats; Act Forced Lincoln's Hand

By DR. HARLAN HOYT HORNER

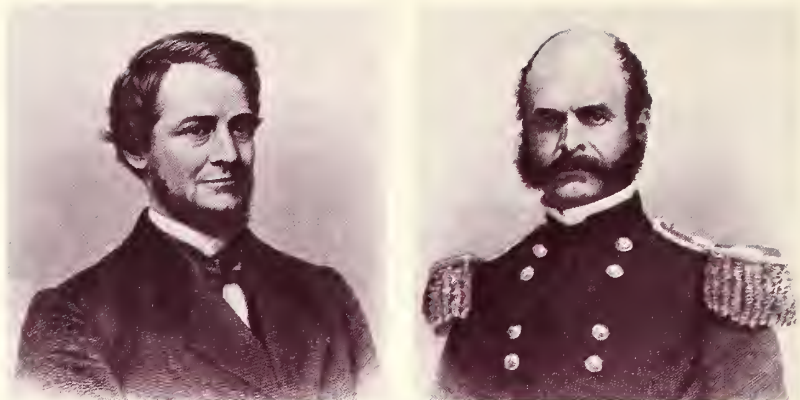
Lincoln scholar, collector, and
author of *The Growth of Lincoln's
Faith, Lincoln and Greeley, etc.*



LEMENT LAIRD VALLANDIGHAM, the No. 1 Copperhead of the Civil War, was perhaps President Lincoln's sharpest critic. An Ohioan, this "wily agitator" found many substantial supporters for his views in New York State.

Active in politics throughout most of his life, he was elected to Congress from Ohio in 1856, 1858 and 1860. He sought another term but was defeated for the 38th Congress in 1862. He went back to Ohio to seek the Democratic nomination for Governor of his native state. In Congress he made a bitter political speech on July 10, 1861, criticizing Lincoln's inaugural address and the President's message on the national loan bill. He charged the President with the "wicked and hazardous experiment" of calling the people to arms without the counsel and authority of Congress; with violating the Constitution in declaring a blockade of Southern ports; with "contemptuously" setting at defiance the Constitution in suspending the writ of *habeas corpus*; and with "coolly" coming before the Congress and pleading that he was only "preserving and protecting" the Constitution and demanding and expecting the thanks of Congress and the country for his "usurpations of power."

In his last extended speech in Congress on January 14, 1863, Vallandigham reviewed his life-long attitude on slavery and voiced the extreme Copperhead doctrine when he said: "Neither, sir, can you abolish slavery by argument. . . . The South is resolved to maintain it at every hazard and by every sacrifice; and if 'this Union cannot endure part slave and part free', then it is already and finally dissolved. . . . But I deny the doctrine. It is full of disunion and civil war. It is disunion itself. Whoever first taught it ought to be dealt with not only as hostile to the Union, but as an enemy of the human race. Sir, the fundamental idea of the Constitution is the perfect and eternal compatibility of a union of States 'part slave and part free'. . . . In my deliberate judgment, a confederacy made up of slave-holding and non-slave-holding States is, in the nature of things, the strongest of all popular governments."



A strong but biased advocate of states' rights, Clement L. Vallandigham (left) made fiery speech against Lincoln's war aims. His arrest by bungling Union General Ambrose E. Burnside, and court-martial and sentence, caused great hubbub and embarrassed the President.

General Ambrose E. Burnside took command of the Department of the Ohio on March 25, 1863, with headquarters at Cincinnati. Burnside, who had succeeded McClellan in the command of the Army of the Potomac, had failed signally before Lee at Frederickburg. He was smarting under this failure and anxious to retrieve his military fortunes. The seat of the Copperhead movement was in this area. The wholesale criticisms of the war which were rife were particularly offensive to Burnside at this time. On March 21, the week after his return from Washington and four days before Burnside took command of the Department of the Ohio, Vallandigham made one of his typical speeches at Hamilton, Ohio. On April 13, General Burnside, without consultation with his superiors, issued his famous General Order No. 38 in which he announced that all persons found within the Union lines committing acts for the benefit of the enemies of the country would be tried as spies or traitors, and, if convicted, would suffer death. The Order enumerated the various classes of persons falling within its scope and announced that the habit of declaring sympathy for the enemy would not be allowed in the Department and that persons committing such offenses would be at once arrested with a view to being tried or sent beyond the Union lines into the lines of their friends.

Learning that Vallandigham was to speak at a great Democratic mass meeting at Mt. Vernon, Ohio, on May 1, Burnside sent two captains in civilian clothes from his staff to listen to Vallandigham's speech. One of the captains leaned against the speakers' platform and took notes. The other stood a few feet from the platform in the audience. As a result of their reports Vallandigham was arrested in his home at Dayton on Burnside's orders early after midnight on May 5 and escorted to the military prison, Kemper Barracks, at Cincinnati. On May 6 and 7 he

was tried by a military commission convened by General Burnside, found guilty of violation of General Order No. 38 and sentenced to imprisonment for the duration of the war.

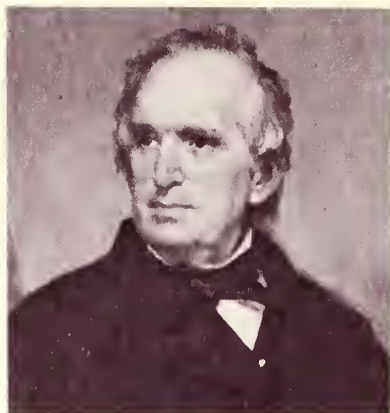
On the first day of his imprisonment Vollandigham smuggled out a message "To the Democracy of Ohio" in which he protested that his arrest was illegal and for no other offense than an expression of his "political opinions." He counselled his fellow Democrats to "stand firm" and assured them, "As for myself, I adhere to every principle, and will make good through imprisonment and life itself, every pledge and declaration which I have ever made, uttered or maintained from the beginning." Vollandigham's counsel applied to the United States Circuit Court, sitting at Cincinnati, for a writ of *habeas corpus*, which was denied. An application was made later for a writ of *certiorari* to bring up the proceedings of the military commission for review in the Supreme Court of the United States. This application was denied on the ground that the Supreme Court had no jurisdiction over a military tribunal.

General Burnside approved the finding and the sentence of the military commission and made plans to send Vollandigham to Fort Warren, Boston Harbor, for imprisonment. Before these plans could be carried out President Lincoln in a telegraphic order commuted the sentence to banishment from the Union lines.

In conformity with the President's order, Vollandigham was conducted by way of Louisville, Kentucky, and Murfreesboro, Tennessee, to the Confederate lines. He reached the headquarters of General Bragg on May 25. Upon meeting the Confederate outposts and before the Federal officers left him, Vollandigham made this studied declaration: "I am a citizen of Ohio, and of the United States. I am here within your lines by force, and against my will. I therefore surrender myself to you as a prisoner of war." Vollandigham found his way to Richmond where he was received indifferently by the Confederate authorities, and the fiction that he was a prisoner of war was maintained. The prisoner had resolved before leaving Cincinnati to endeavor to go to Canada. On June 17, without interference, Vollandigham took passage on the blockade runner *Cornubia* of Wilmington bound for Bermuda, arriving

WHY THE NAME COPPERHEAD?

Copperhead, a reprobachful epithet, was used to denote Northerners who sided with the South in the Civil War and were therefore deemed traitors, particularly those so-called Peace Democrats who assailed the Lincoln administration. It was borrowed from the poisonous snake of the same name that lays in hiding and strikes without warning. However, "Copperheads" regarded themselves as lovers of liberty, and some of them wore as a lapel pin the head of the Goddess of Liberty cut out of the large copper penny minted by the Federal treasury.



N. Y. Governor Horatio Seymour (left) denounced Vallandigham arrest, said it "brought dishonor upon our country," and endorsed protest meeting on State Capitol grounds. Presiding at meeting was Erastus Corning, who exchanged letters with Lincoln over the "Mr. V" affair.

on June 20. After ten days in Bermuda he went by steamer to Halifax, arriving on July 5. He then found his way to Niagara Falls, Canada West (as then known). He finally settled down at Windsor, opposite Detroit, where he remained until his return to Ohio on June 15, 1864.

The arrest, military trial, conviction and sentence of Vallandigham aroused excitement throughout the country. Criticism of Burnside for the issuance of General Order No. 38 and for his action under it against Vallandigham was widespread. President Lincoln was also severely criticized for not countermanding the sentence instead of commuting it. The general dissatisfaction with the case was not confined to the rampant Copperheads. Many conservative Democrats, loyal supporters of the Government in the prosecution of the war, were disturbed. Many Republican newspapers joined in questioning the action. Public meetings of protest were held in many cities. One of the most dignified and impressive meetings of protest was held by the Democrats of Albany, N. Y., on Saturday evening, May 16, 1863, three days before Lincoln altered Burnside's sentence of imprisonment and ordered that Vallandigham be sent beyond the Federal lines. A mass meeting was held in front of the Capitol in the Capitol park, presided over by the Hon. Erastus Corning, a distinguished Congressman from Albany. The meeting was endorsed by Governor Horatio Seymour who, unable to attend, sent a letter in which he said:

"The action of the Administration will determine in the minds of more than one half of the people of the loyal States whether this war is waged to put down rebellion at the South, or to destroy free institutions at the North. We look for its decision with the most solemn solicitude."

Fiery speeches were made criticizing Burnside for his action in relation to Vallandigham and pent-up feeling was expressed against

the alleged arbitrary action of the Administration in suppressing the liberty of speech and of the press, the right of trial by jury, the law of evidence and the privilege of *habeas corpus*, and in general the assertion of the supremacy of Military over Civil Law. A series of resolutions were adopted by acclamation and it was ordered that a copy of these resolutions be transmitted "to his Excellency the President of the United States, with the assurance of this meeting of their hearty and earnest desire to support the Government in every Constitutional and lawful measure to suppress the existing Rebellion." Bearing date of May 19, 1863, the resolutions were addressed to the President in a brief note signed by Erastus Corning as president of the assemblage and by the vice-presidents and secretaries. The resolutions were couched in dignified and respectful language, but made it quite clear that the meeting regarded the arrest and imprisonment of Vallandigham illegal and unconstitutional and deplored the usurpation of private right with which it charged the Administration.

On May 28, 1863, the President acknowledged receipt of the resolutions in a note addressed to "Hon. Erastus Corning" and promised to "give the resolutions consideration" and to try "to find time and make a respectful response."

The record seems clear that Lincoln was not consulted by General Burnside in advance upon the issuance of General Order No. 38, nor upon the arrest, trial and sentence of Vallandigham. He was of course thoroughly familiar with Vallandigham's criticism of the Administration and with his leadership of the Copperheads. If the situation had been left to his decision, he would doubtless have counselled that Vallandigham be allowed to talk himself to death politically as he was promising to do.

On June 12, 1863, the President sent his studied reply to the Albany Democrats addressed to "Hon. Erastus Corning & others." In a closely reasoned document of more than 3,000 words, in lawyer-like fashion Lincoln justified the action of the Administration in the arrest, trial, imprisonment and banishment of Vallandigham and elaborated his view that certain proceedings are constitutional "when, in cases of rebellion or invasion, the public Safety requires them, which would not be constitutional when, in absence of rebellion or invasion, the public Safety does not require them." The political instincts of the lawyer-President emerged in Lincoln's reply when he said: "In giving the resolutions that earnest consideration which you request of me, I cannot overlook the fact that the meeting speak as 'Democrats'. Nor can I, with full respect for their known intelligence, and the fairly presumed deliberation with which they prepared their resolutions, be permitted to suppose that this occurred by accident, or in any other way than that they preferred to designate themselves 'democrats' rather than 'American citizens'. In this time of national peril I would have preferred to meet you upon a level one step higher than any party platform."

Erastus Corning referred Lincoln's response to the committee that reported the resolutions. Under date of July 3, Mr. Corning forwarded to the President the rejoinder of the committee, a document of more than 3,000 words. This rejoinder dwelt at length upon what it deemed "repeated and continued" invasions of constitutional liberty and private right by the Administration and asked anew what the justification was "for the monstrous proceeding in the case of a citizen of Ohio." The rejoinder, drawn mainly by an ex-justice of the State Court of Appeals, did not maintain the even dignity of the original resolutions, charged Lincoln with "pretensions to more than regal authority" and insisted that he had used "misty and cloudy forms of expression" in setting forth his pretensions. The committee was especially sensitive of Lincoln's remark that the resolutions were presented by 'Democrats' instead of by 'American citizens' and sought to turn the tables on the President. Lincoln was too busy with a thousand other issues to engage in prolonged debate. As was his wont, he said his say in his reply to the resolutions and turned to other matters.

Almost simultaneously Lincoln was engaged in a similar encounter with Democrats in Ohio. The Ohio Democratic State Convention held at Columbus on June 11, 1863, while Vallandigham was still within the Confederate lines, nominated him for Governor by acclamation. George E. Pugh, Vallandigham's lawyer in the *habeas corpus* proceedings, was nominated for Lieutenant Governor. The convention passed a series of resolutions condemning the arrest, trial, imprisonment and banishment of Vallandigham and appointed a committee of 19 members to communicate with the President and to request the return of Vallandigham to Ohio. The committee, all members of Congress, addressed their communication from Washington on June 26 "To His Excellency the President of the United States." The committee called on the President at the White House and filed with him its protest, including the detailed resolutions adopted by the Ohio Democratic State Convention. The resolutions were similar in import to those adopted by the Albany Democrats and held that "the arrest, imprisonment, pretended trial and actual banishment of Clement L. Vallandigham" was a "palpable" violation of the Constitution. The committee went on to elaborate its view that the Constitution is not different in time of insurrection or invasion from what it is in time of peace and public security.

Employing the arguments used in his letter to the Albany Democrats and not departing from the principles there expressed, Lincoln very promptly replied to the Ohio committee. He added "a word" to his Albany response: "You claim that men may, if they choose, embarrass those whose duty it is to combat a giant rebellion, and then be dealt with in turn, only as if there was no rebellion. The constitution itself rejects this view. The military arrests and detentions, which have been made, including those of Mr. V. which are not different in principle from the others, have been for *prevention* and not for *punishment* —

as injunctions to stay injury, as proceedings to keep the peace."

In concluding his reply Lincoln introduced a new and rather strange proposal. He insisted that the attitude of the committee encouraged desertion and resistance to the draft and promised to release Vallandigham if a majority of the committee would sign and return to him a duplicate of his letter committing themselves to the following propositions:

"1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the national Union; and that in your opinion, an army and navy are constitutional means for suppressing the rebellion.

"2. That no one of you will do anything which in his own judgment, will tend to hinder the increase, or favor the decrease, or lessen the efficiency of the army or navy, while engaged in the effort to suppress that rebellion; and,

"3. That each of you will, in his own sphere, do all he can to have the officers, soldiers and seamen of the army and navy, while engaged in the effort to suppress the rebellion, paid, fed, clad, and otherwise well provided and supported."

The Ohio committee was prompt in their rejoinder to Lincoln, dating their immediate response in a letter from New York City on July 1, 1863. The committee spurned Lincoln's concluding proposals and asked for the revocation of the order of banishment, not as a favor, but as a right, without any sacrifice of their dignity and self respect. Lincoln did not reply to the rejoinder of the Ohio committee.

Safe in his retreat in Canada, Vallandigham accepted the nomination for Governor of Ohio by the Democratic State Convention in an impassioned address by letter "To the Democrats of Ohio." The name of Burnside was "infamous forever in the ears of all lovers of constitutional liberty" and the President was guilty of "outrages upon liberty and the Constitution." Vallandigham's "opinions and convictions as to war" and his faith "as to final results from sound policy and wise statesmanship" were not only "unchanged but confirmed and strengthened."

The Democrats of Ohio carried on a vigorous campaign for the Governorship. The Republicans nominated a former Democrat, John Brough, for Governor. The keynote of the campaign was expressed by the Republican State Convention in the declaration and proposal that "in the present exigencies of the Republic we lay aside personal preferences and prejudices, and henceforth, till the war is ended, will draw no party line but the great line between those who sustain the government and those who rejoice in the triumph of the enemy."

The tone and temper of the Democratic campaign was typically illustrated in an address by George E. Pugh, candidate for Lieutenant Governor, at St. Mary's, Ohio, on August 15, 1863. THE CRISIS (Columbus, Ohio) for September 16 published the address in full. Pugh paid his compliments to Lincoln in language which outdid Vallandigham:

"Beyond the limits and powers confided to him by the Constitution,



John V. L. Pruyn, prominent Albany lawyer, headed committee that drafted Albany resolutions to Lincoln decrying handling of Vallandigham. He later became Congressman and State Regent. Republican publisher Thurlow Weed thought Lincoln unwise in controversy, but stuck by him.

he is a mere County court lawyer, and not entitled to any obedience or respect, so help me God [Cheers and cries of 'Good'.] And when he attempts to compel obedience beyond the limits of the Constitution by bayonets and by swords, I say that he is a base and despotic usurper, whom it is your duty to restrict by every possible means, if necessary, by force of arms. [Cheers and cries 'That's the talk'.] If I must have a despot, if I must be subject to the will of any one man, for God's sake let him be a man who possesses some great civil or military virtues. Give me a man eminent in council, or eminent in the field, but for God's sake don't give me the miserable mountebank who at present exercises the office of President of the United States."

This extreme language, inspired originally by Vallandigham, no doubt contributed to the result of the election. The total vote in Ohio was more than 476,000. Brough received a majority of 62,000 at home and 39,000 in the armed forces. The Republicans won 29 of the 34 seats in the State Senate and 73 of the 97 in the House.

One more formal effort was made in Vallandigham's behalf. On February 29, 1864, Congressman George H. Pendleton from Ohio offered the following resolution in the House of Representatives and moved the previous question in its adoption:

"Resolved . . . That the military arrest, without civil warrant, and trial by military commission, without jury, of Clement L. Vallandigham, a citizen of Ohio, not in the land or naval forces of the United States, or the militia in active service, by order of Major General Burnside, and his subsequent banishment by order of the President, executed by military force, were acts of mere arbitrary power, in palpable violation of the Constitution and laws of the United States." The proposed resolution was killed by a vote of 37 to 35.

Vallandigham remained in Canada until June 14, 1864. Subject to arrest he returned in disguise and made his way at once to Hamilton, Ohio, where the third Congressional District of Ohio was to meet on June 15 to choose delegates to the National Democratic Convention to be held in Chicago. He was chosen by acclamation as one of the two delegates to the Convention. He made a fiery speech condemning "the unconstitutional and monstrous Order No. 38," declared it null and void and made the boastful claim that "The indignant voice of condemnation long since went forth from the vast majority of the people and press of America, and from all free countries in Europe with entire unanimity." Lincoln took no public notice of Vallandigham's return.

Vallandigham never changed his spots. He took a prominent part in the National Democratic Convention which assembled at Chicago on August 29, 1864. He eagerly sought to be made Chairman of the Committee on Resolutions. Failing in this he did succeed in the adoption of the second plank of the platform, readily recognizable as his handiwork, declaring the war a failure and condemning the violation of the Constitution by the Administration and calling for the restoration of the Federal Union by peaceful means. General George B. McClellan was nominated for President. In his acceptance letter he was understood to repudiate the platform and especially Vallandigham's plank.

Vallandigham continued active in politics until his death in 1871. He sought the nomination of the Democrats of Ohio for the United States Senate. Failing in that, he secured the nomination for Congress from his district and was defeated. His sense of defeat and his bitterness increased with the years.

VALLANDIGHAM'S NEW YORK APPEARANCES

Clement L. Vallandigham visited New York State not long before his arrest in Ohio, and again shortly after returning to the United States from Canada, following his banishment by Lincoln to the Confederacy. On each occasion he addressed large crowds sympathetic to his views.

In March, 1863, he spoke to the Democratic Union Association in New York City, receiving "loud and protracted cheers." He then proceeded to Albany to confer "with leading men of the party on the state of the country." A few weeks later he was arrested at his home in Dayton, Ohio, on General Burnside's rumpus-raising orders.

Ending his exile in mid-June, 1864, Vallandigham was seen back on the oratorical platform. The first meeting he addressed outside Ohio was at Syracuse on July 18 — "the number in attendance estimated at seventy-five thousand." (The figure is improbable; the Syracuse census of 1865 showed a population of 32,000).

In the presidential contest of 1864, Vallandigham campaigned in New York State and elsewhere in support of General McClellan. His last visit to the State is believed to have taken place in 1868 when he attended the Democratic National Convention in New York City.

Historians incline to the view that Lincoln stretched the Constitution but they do not sympathize with Vallandigham. James Ford Rhodes recorded his judgment that the arrest and punishment of Vallandigham "were not only contrary to the Constitution and statute but were likewise bad policy." He did not spare Lincoln but he had no sympathy for Vallandigham. "If the traditions be true," he said, "he was cold, calculating, selfish, ambitious, vindictive. . . . In any leader of men it is difficult to say how much is self-seeking, how much is patriotism; but there is reason to believe that in Vallandigham's mind the advancement of self dominated all other motives." Dr. James G. Randall, noted Lincoln scholar and historian, in summing up his discussion of martial law and military commissions under the Lincoln administration, said: "Finally, after a close study of the subject, the author feels that the arbitrary arrests were unfortunate, that Lincoln's conception of the executive power was too expansive, and that a clearer distinction between military and civil control would have been desirable. If, however, the Government under Lincoln erred in these respects, it erred under great provocation with the best of motives; and its policy may not be criticized without a full understanding of the alarming situation which confronted the nation."

Local newspapers in the capital cities of Albany and Columbus took bitter stands at the time. The Albany *ATLAS AND ARGUS*, an ably edited Democratic paper, was severely critical of Lincoln. It announced the public meeting in Albany under the heading "The Vallandigham Outrage" and kept up a running fire at the Administration. Prior to the Presidential election in 1864, on October 28, the *ATLAS AND ARGUS* paid its respects to Lincoln in characteristic form: "The shambling gait, the disjointed figure and weak protracted spine of the latter [Lincoln], show a body as weak and ill constituted as his mind; and his physical weakness has been taken by many as the excuse for his physical and moral cowardice. . . . The exhibitions of bad faith with which Mr. Lincoln has darkened his Administration are the results of his cowardice. So are the extremes of tyranny, by which he has sought to put down an opposition that terrifies him. The frantic eagerness with which he clings to power, no matter at what sacrifice of honor and right, comes from his fears. He is afraid to part with the impunity that office gives him."

These Albany utterances — both from the Democratic newspaper and the special committee of Albany Democrats—in a measure defeated such patriotic efforts as may have inspired the Albany meeting. The language described was in the best style and manner of Vallandigham, and barely escaped Copperhead doctrine. Lincoln could well afford to ignore it. His secretaries, John G. Nicolay and John Hay, in discussing the Albany Democrats, declared: "Their first letter had no function nor result but to call into being the President's admirable reply, and the second was little more than a cry under punishment."

Thurlow Weed, editor and publisher of the Albany *EVENING JOURNAL*,

distinguished Republican boss, looked upon the activities of the Albany Democrats and the effusions of the *ATLAS AND ARGUS* with dignified aloofness. In common with many Republicans he did not think the arrest of Vallandigham was a wise measure but after the Albany meeting of protest the *JOURNAL* on May 22 paid its respects to Vallandigham as a man in terms which could hardly have been denied at the time and which, it may be said have stood the test of history:

"His record is as black as night. In any other country than our own, he would have expiated his crimes on the gallows long ago. He has been unceasing in his efforts to aid and abet the Rebellion, divide the North and bring on collision between the Government and the People. His speeches have been made with the avowed object of inflaming the popular mind, arousing the popular passions and exciting the more ignoble instincts of the human soul. He has done his utmost to discourage enlistments, encourage desertions, promote demoralization in the army, impair the public credit and degrade the Federal power in the eyes of the masses."

In Columbus, the counterpart of the *ATLAS AND ARGUS* was *THE CRISIS*, mouthpiece of the Copperhead movement in the Middle West. Typical of its editorial comment was this statement on September 28, 1864: "An endorsement of Abraham Lincoln either freely given, or purchased at the price of a fraudulent or forcible election, will be the knell of liberty, and the opening of the floodgates of untold license and oppression. It is against this fearful day that we must contend; if not upon a broad basis of principle, then upon that other — *self preservation*."

The 'fearful' day never came. Partisan abuse of the President aside, hair-splitting niceties of constitutional interpretation and executive action in time of war reduced to academic debate in time of peace, Lincoln's simple human remark to the Albany Democrats disarmed his critics in 1863 and convinces his posterity today of the warrant for his action:

"Must I shoot a simple-minded soldier boy who deserts while I must not touch a hair of a wily agitator who induces him to desert?"

VALLANDIGHAM'S DRAMATIC DEATH

The most prominent of Copperheads met his death trying to save the life of another man. Active politically several years following the Civil War, Clement L. Vallandigham dropped politics entirely after continued rebuffs at the polls and in party affairs, and resumed his law practice. His last case took him to Lebanon, Ohio, to defend Thomas McGehan, an trial for the murder of a man named Myers. Vallandigham was convinced that Myers had accidentally shot himself. In demonstrating his theory with a supposedly empty pistol, Vallandigham pulled the trigger and suffered a mortal wound. He died the following day — June 17, 1871. McGehan eventually won acquittal, after his third trial.



Dr. Franklin Teaching A Book is Published

John Hope Franklin, Vice Chairman, NYCWCC, who has helped to shape the policies of this Commission and is recognized as an authority on Emancipation, was the subject of a recent *TIME* Magazine article, reprinted below. His latest book *The Emancipation Proclamation* is reviewed on Page 14 by Bruce Catton, Chairman, NYCWCC.

NEGRO AT CAMBRIDGE*

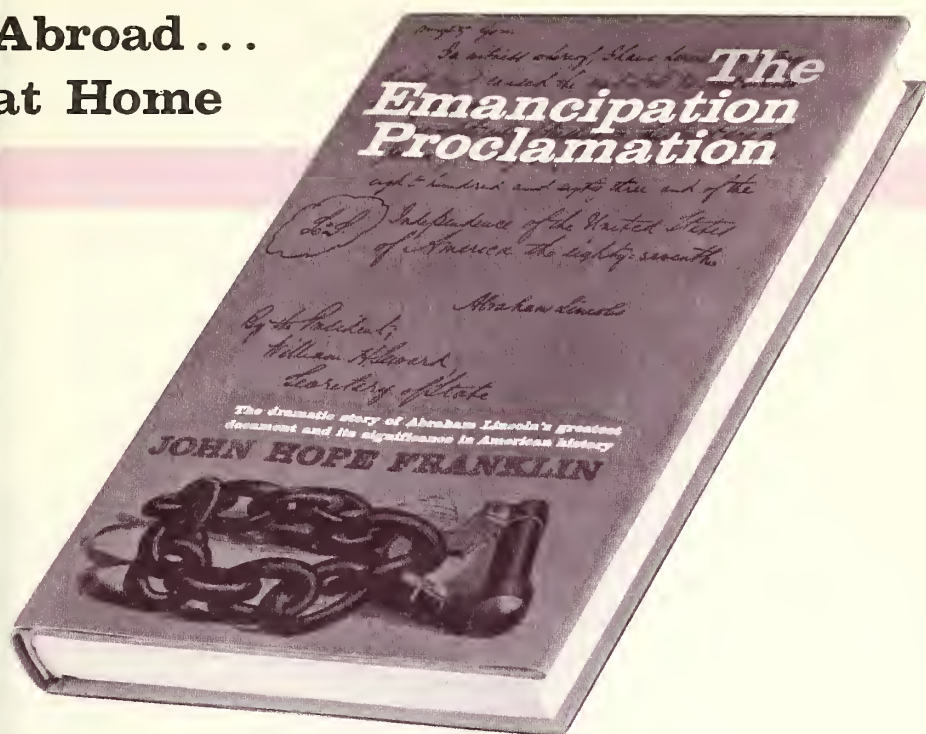
“THE only valid base on which to build the New World republic was one characterized by democracy and equality. The tragedy of this republic was that as long as human slavery existed its base had a fallacy that made it both incongruous and specious.” So writes this year’s visiting William Pitt Professor of American History and Institutions at Cambridge University, and only an occasional reader will sense that John Hope Franklin is himself a descendant of slaves. “I have maintained my objectivity,” says Franklin, “but it takes some doing.”

When not in England, John Hope Franklin, 47, serves as head of the history department at Brooklyn College. [In December, 1962] he became the first Negro member of Washington’s Cosmos Club, the club of scientists, scholars, journalists and government officials that earned itself a flurry of criticism last year by rejecting the application of another Negro.

Wrong Skin — Franklin’s cool dignity comes from his doughty father, one of Oklahoma’s first Negro lawyers. No sooner had Lawyer Franklin begun practice in segregated Tulsa in 1921 than race rioters burned down his office. He went on in a tent, became one of the state’s leading citizens. “My father scorned segregation as a mark of indignity,” recalls his son. “He paid no attention to signs marked ‘Negro’ and ‘White.’ He went where he pleased, mingling with people like any other man.”

Franklin waited tables through Fisk, graduated *magna cum laude*; he typed Ph.D. dissertations to work his way through Harvard, got his doctorate in American history. In World War II, Franklin applied for clerical work in the Navy. The reply: “You have even better qualifications than we are asking for in all respects but one — the color of your skin.” The turndown hurt, but it gave Franklin time to become an expert on Negro and Civil War history. He taught for nine years at Howard, helped write the N.A.A.C.P.’s 1954 Supreme Court brief against school segregation, and in 1956 took over at Brooklyn. “I haven’t really had to struggle much,” he says.

Abroad...
at Home



White Progress — At Cambridge, filling a position that in the past has gone to such notables as Cornell's Clinton Rossiter and Amherst's Henry Steele Commager, Franklin analyzes the Civil War for his mostly British students, telling them "how a great experiment could have come to be perched on the brink of disaster." He refuses to let Americans "be happy" with the bland idea that no one need be blamed for the Civil War. It was caused, he says, by the extremism of a South that "always seems to have looked over its shoulder — frequently seeing what was not there." His just published *The Emancipation Proclamation* (Doubleday) hopefully suggests that "perhaps" Lincoln's manifesto — 100 years old — will eventually "give real meaning and purpose to the Declaration of Independence."

But Franklin has few illusions about U. S. race relations; he holds a "peculiar view" of the process: "Almost invariably the Negro progresses only to the extent that the white man advances in understanding that a human being is a human being. There have been Negroes as talented as I before me, but they could not get where I have because the white man was not advanced enough to let them."

* This article reprinted by courtesy of TIME; copyright TIME Inc., 1963.

Catton

On Franklin's New Book

THE EMANCIPATION PROCLAMATION was written strictly as a war measure, arising not so much from a humanitarian, libertarian impulse as from the necessity of mustering new energies behind the struggle to save the Union. Slowly but inevitably it grew into an epoch-making document that changed the course of American history and the shape of American society because both its author and the people to whom it was addressed came to see that once the road to freedom is embarked upon there is no stopping place short of the final goal.

This, in essence, is the conclusion recorded in John Hope Franklin's new book *The Emancipation Proclamation*, a scholarly and thoughtful examination of the great state paper whose centennial anniversary is now being celebrated.

Vice Chairman of the New York State Civil War Centennial Commission, and one of the nation's most distinguished historians, Dr. Franklin traces the origin of the proclamation in the mind of Abraham Lincoln, shows the difficulties that lay in the President's path, and analyzes the momentous effect the proclamation presently brought about.

In the summer of 1862 Lincoln told Horace Greeley that his paramount object as President was to restore the Union. He would do this in any way possible. If he could do it by freeing all of the slaves, he would free all, and if he could do it by freeing none he would free none; and if he could do it by freeing some and leaving others in slavery, he would do that. Whatever he did in regard to slavery would be done as a war measure.

The Emancipation Proclamation, obviously, was a compromise. It would free some slaves but not all of them. Of necessity it was limited; Lincoln had to work within the existing constitutional system, and although he had the power to free individual slaves as a war measure he did not have the power to abolish the institution en bloc.

Yet the final effect, as the President undoubtedly foresaw, was to give slavery a mortal wound. Once struck, the institution was bound to collapse; and an important element here was the reaction of the slaves themselves. In some mysterious way, slaves all across the cotton belt knew in a very short time that the President had proclaimed freedom. That this freedom applied to some but not to all meant nothing to them. Furthermore, its final implications were very clear in Lincoln's own mind. His old plan for colonization and for gradual, com-

persuaded emancipation withered and died, and the chance that a change in the military and political climate might lead him to withdraw the proclamation quickly disappeared. Not long after the final proclamation was issued, he expressed the brooding hope that the states would find some practical system "by which the two races could gradually live themselves out of their old relation to each other and both come out better prepared for the new."

We are still engaged in this process. The true significance of it arises from the fact that from the beginning the republic was based on the vision of democracy and equality, and Dr. Franklin sums up the case thus:

"The tragedy of this republic was that as long as human slavery existed its base had a fallacy that made it both incongruous and specious. The great value of the Emancipation Proclamation was that in its first century it provided the base with a reinforcement that made it at long last valid and worthy. Perhaps in its second century it would give real meaning and purpose to the Declaration of Independence."

— BRUCE CATTON



After the issuance of the Emancipation Proclamation, freed Negroes in many areas, happy that their days of bondage were over, flooded the Union lines. This procession at Newbern, N. C., was sketched for Harper's Weekly to show the "first fruits" of Lincoln's proclamation.



Historic New York State documents tracing man's achievements in basic human rights draw record crowds to State Library rotunda, Albany. Exhibit will remain open through April 11.

The Empire State's FREEDOM STORY

Two month-long exhibit commemorating Emancipation opened at State Library



Surrounded by dense and attentive crowd at exhibit opening February 11, George H. Fowler, Chairman, State Commission for Human Rights, was a key speaker in observing Emancipation centennial and its impact on human rights today. Fowler declared that "Lincoln's memory is dimmed so long as equal opportunity in employment, housing, places of public accommodation, apprenticeship training and other areas of American life is denied to any citizen because of race and color." Other speakers also stressed the Empire State's freedom story.

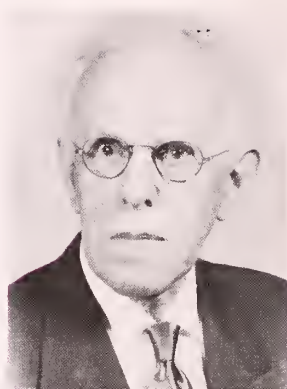
Governor Nelson A. Rockefeller accepts rare Lincoln lithograph from Carl Haverlin, Chairman, NYCWCC. Litha was a gift to the State from Mrs. Evelyn Patterson Williams, of Copake, N. Y. In opening the Basic Human Rights exhibit, the Governor lauded the "human grandeur of Lincoln," but said that emancipation remains unfulfilled. Sponsors of the display and observance are State Education Department; State Commission for Human Rights, and NYCWCC.



UPI Photo

WARREN CARRIER SET AN EXAMPLE FOR CENTENNIAL

FOR the greater part of his 92 years, Warren M. Carrier was a bookkeeper and bank clerk in Oswego, N. Y. From his father, who served with the 184th N. Y. Infantry, he inherited an unbounded interest in the Civil War. If someone wanted to know about the "boys in blue" from the North Country, Mr. Carrier was the man to see. Stored away in his mind was a prodigious amount of Civil War history. He was happy to share his knowledge and spin soldier yarns for the youngster who sought his help on a school assignment relating to the war. Every Memorial Day he faithfully made the rounds of all the area cemeteries to assist in decorating graves of veterans with flowers and flags. Until his death on January 28, he served as Honorary Chairman of the Oswego County Civil War Centennial Committee.

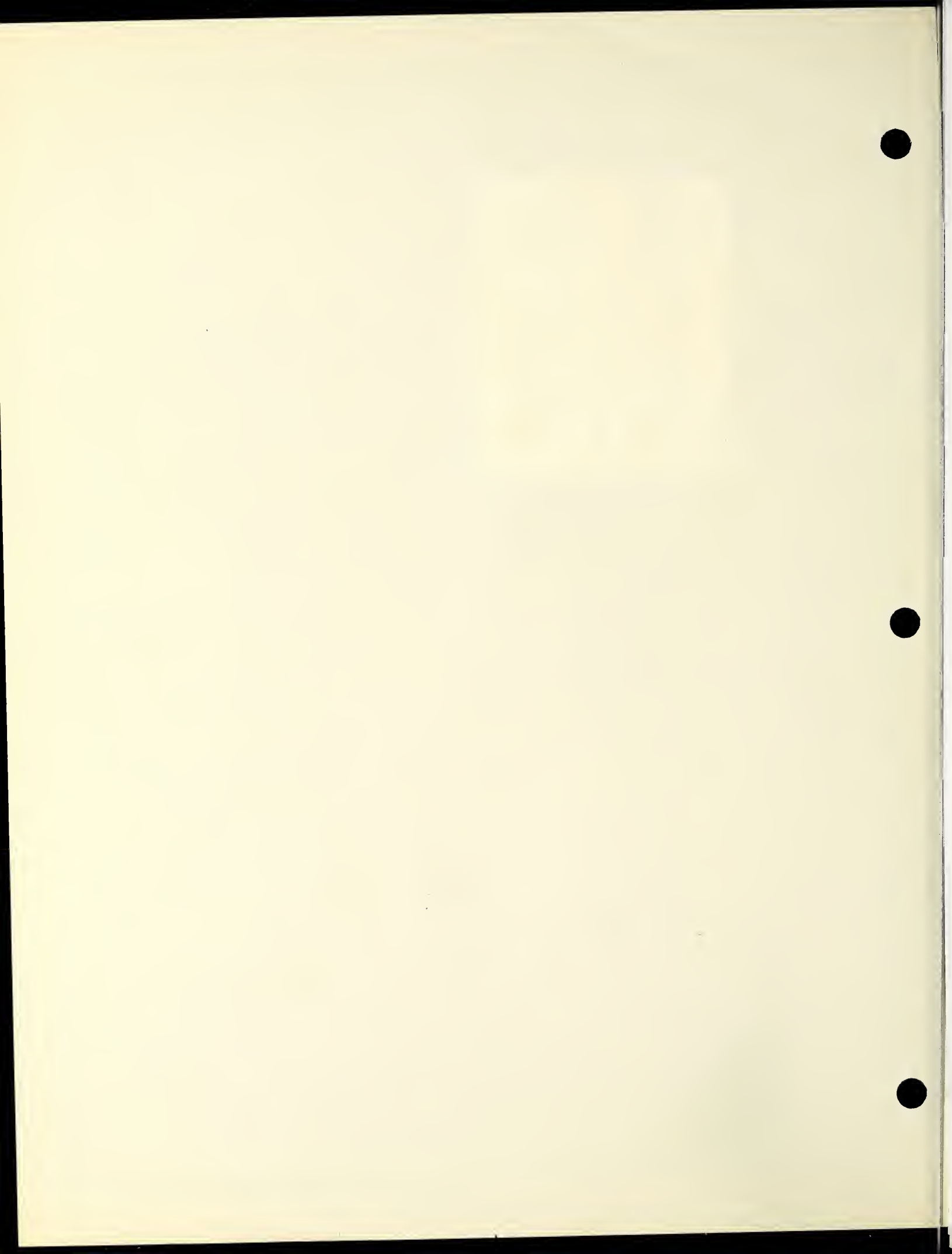


The pure patriotism that motivated him has a contagious way. As Bruce Catton, NYCWCC Chairman, has said, "The good that such a man does in his lifetime has inestimable influence upon others." We regret Mr. Carrier's passing — are grateful for his contributions that will last far into the future, in awakening the interest of his fellow citizens, as his father did for him long years before, in the cause of "Union and Freedom."



C. L. VALLANDIGHAM.

The Nation



661.

[CIVIL WAR] VALLANDIGHAM, CLEMENT L. 1820-1871. American Congressman from Ohio; strongly opposed policies leading to Civil War; became known as the leader of the Peace Democrats or Copperheads; arrested and convicted for Treason; condemned to be confined at Fort Warren; sentence commuted by President Lincoln to banishment to the Confederacy. Remarkable Autograph Letter Signed. 2 1/2 pages, 8vo. Dayton, Ohio, August 13, 1862. Recipient not identified. "You did well. No man has a right to forsake his country in her hour of peril....I am myself ready at all times to incur any responsibility which my sense of duty demands; but ask no one else to divide it with me....We are in the midst of the great crisis of this revolution. It will be followed by another reaction which cannot be checked as the others have been. Let us be firm and wait. The Democratic in the west, militant now through organization, meetings, & the ballot box, will be triumphant at last. Read history The future was all written years ago. Here in the West we shall hold Democratic Meetings, organize & canvass & hold the election as usual. Our constitutional rights we will not surrender -- never, let the consequences be what they may...." Choice!!! 150.00

LOST

Desolate and lone
All night long on the lake
Where fog trails and mist creeps,
The whistle of a boat
Calls and cries unendingly,
Like some lost child
In tears and trouble
Hunting the harbor's breast
And the harbor's eyes.

Carl Sandburg

662. SANDBURG, CARL. 1878-1967. American poet, historian, Lincoln scholar. Typewritten Manuscript (Faircopy) Signed, of his famous short poem LOST. One page, 4to. 150.00

AUTOGRAPH LETTERS HISTORICAL DOCUMENTS

PAUL C. RICHARDS — AUTOGRAPHS

FIVE DOLLARS



Lincoln Lore

February, 1978

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor. Published each month by the Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1680

THE DEMOCRATIC PARTY: A RESPECTABLE MINORITY?

Although much of the drama of the Lincoln Presidency has always stemmed from descriptions of his struggles with opposition on the home front, careful studies of the nature of the opposition itself have been few indeed. Understanding the precise nature of the opposition to Lincoln is critical for understanding Lincoln himself. To realize the importance of this, one need only recall the difference in accounts of Lincoln's Presidency written in times when the Democrats were viewed principally as Copperheads and those written in times when the Democratic opposition was thought to be mostly a loyal opposition. Joel Silbey has now provided a comprehensive look at the Democratic party in the Civil War era. *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868* (New York: W.W. Norton, 1977) describes the history of the opposition, as it were, from the inside, not from the perspective of the Lincoln administration.

In the turmoil of the 1850s, when the Republican party was born, the Democrats lost enough voters to become a minority party. In 1861, they would also lose their greatest national leader, Stephen Douglas. Though there was no way for the leaders to know it, the party had taken the bulk of the losses it would suffer for several decades to come. The Democratic party was in 1860, on the threshold of the Civil War, a somewhat shrunken, but coherent body. It was now a minority party, but it was "a respectable minority" which could depend upon steadily turning out a substantial body of voters for any election. Such was the way the party looked from the outside.

Internally, the party's history did show some dynamics of change and fluctuation. When war broke out in 1861, the impulse of most Democrats was to rally around the flag. "I am with you in this contest," said Fernando Wood, who would become a highly partisan opponent of Republican war policies later. "I know no party now." Stephen Douglas was ready even before Sumter "to make any reasonable sacrifice of party tenets to save the country." After Sumter, Silbey writes, "he

was quoted as favoring the immediate hanging of Southern sympathizers in the District of Columbia unless they repented their treason; and he pled to his party in his last speech to help rescue the country first and think about partisan differences later." Republicans were flabbergasted and delighted. Lincoln exploited the party honeymoon by appointing Democrat Edwin Stanton Secretary of War, and in various states Republicans promoted Union parties to ignore previous partisan identifications. They succeeded for a time. "In many places," says Silbey, "Democratic local and state conventions, the supreme policy-articulating and electoral-organizing units of the party, stopped meeting throughout 1861

and into early 1862, even on such sacred party days as the eighth of January, the anniversary of Andrew Jackson's victory at New Orleans."

Gradually, Republican measures which squinted towards emancipation and which restricted civil liberties revived Democratic partisanship. A small body of Democrats, the so-called War Democrats, parted ways with the mass of Democrats at this point — a movement which Silbey is at a loss to explain. In March, 1862, Clement Vallandigham arranged a meeting of Democratic members of Congress which published a partisan "Address . . . To the Democracy of the United States" in May. This call to the party colors rejected absorption of the Democrats and revived the opposition. Candidates chosen in this new spirit did rather well in the fall elections of 1862, aided in good measure by Lincoln's issuance of the Preliminary Emancipation Proclamation in September.

As always, success bred factionalism. By 1863, the Democrats were split between groups which Silbey calls "Legitimists" and "Purists." Following distinctions made by political scientist Austin Ranney in *To Cure the Mischief of Faction: Party Reform in America*, Silbey argues that parties are usually split between a group which takes primarily a "competitive" view of the functions of the party and a



From the Louis A. Warren
Lincoln Library and Museum

FIGURE 1. In 1864, Republicans attacked Democratic candidate George B. McClellan in two ways. First, they made him guilty by association with his Vice-Presidential running mate, George Pendleton, who was identified with the peace wing of the party (see FIGURE 3 in *Lincoln Lore* Number 1679). Second, they could undermine his personal embodiment of pro-war sentiment by making him appear a worthless general. In this caricature reproduced as a *carte-de-visite* for parlor albums, the latter strategy dictated McClellan's ridiculous appearance as a general with a paper hat on a wooden horse.

group which takes essentially an "expressive" view. The former head always for the center of the ideological spectrum in order to attract as many voters as possible to the party. The latter feel more compelled to enunciate the party's principles articulately and loudly. The Democratic Legitimists wished to make it always clear that the party was a legitimate opposition, that they did not flirt with treason, and that they were fully as patriotic as the Republicans. The Democratic Purists were nervous about abandoning cherished party traditions and beliefs in a search for "legitimacy" in the eyes of the centrist voter. They did not want to degenerate into a "me-too" war party.

In 1863, the Purists — most students of the Civil War period know them as the Peace men — were in the ascendant. Electoral gains in the previous year, continuing failure to have decisive military success, and continuing restraints on civil liberties along with emancipation and Negro soldiers put those who wished to express opposition in a position to dictate nominations in Connecticut (Thomas Seymour), in Pennsylvania (George Woodward), and in Ohio (Vallandigham). Legitimists like Samuel Sullivan "Sunset" Cox felt gloomy, and their predictions proved to be accurate: the Democrats lost all three of these gubernatorial elections.

Failure of the Purists gave the Legitimists the advantage for the 1864 Presidential nomination. George McClellan was the perfect Legitimist candidate: he was a general and a good Democrat. Purists were not as enthusiastic; they did not care for having a general head the ticket, and especially a general who had suppressed civil liberties in the border states early in the war. The party may have been near a split, but, as election day neared, both sides decided "there was too much at stake to quarrel." The Democrats struggled with the perpetual problem of American political parties: what works to get the nomination is often the opposite of what will work thereafter to win the election. Thus S.S. Cox wrote McClellan about his West Point speech, a strong endorsement of the war, warning him that it "will give you the election, but it does not help . . . the nomination." Cox advised that he should say something about "the necessity of using all rational methods at every honorable chance for peace and union." This was needed, not for his election, but "for his nomination."

It is not clear whether agreement was reached before the Chicago convention to have a war candidate and a peace platform, but many suspected such would be the case — and it was. For the first time since 1844, Silbey points out, the Democratic platform did not invoke the usual litany about economic questions such as the tariff, banks, and land distribution. It stressed the failure of the war and the precarious state of constitutional liberties.

McClellan lost, of course, in what was, in terms of the electoral vote, a landslide. But Silbey is careful to point out that the Democrats remained about as competitive as they had been since 1860. In fact, the stability of Democratic competitiveness in this era is one of the principal themes of the book and surely one of Silbey's original contributions. He compiles an index of competitiveness for each state, an index which is based on how much the runner-up needs to overcome the winner. Silbey finds the Democrats rather competitive in the belt of states from New York to Illinois which decided national elections. So competitive were they that there may have been considerable wisdom in the Republican efforts to admit solidly Republican Western states in the Union and control the returns from Border States by military intimidation. Silbey believes with most political historians that a "party's popular vote was not built from different segments of the population in successive elections but primarily from the same groups of people as in the election before." Therefore, in 1862, Republican turnout fell more than Democratic turnout;

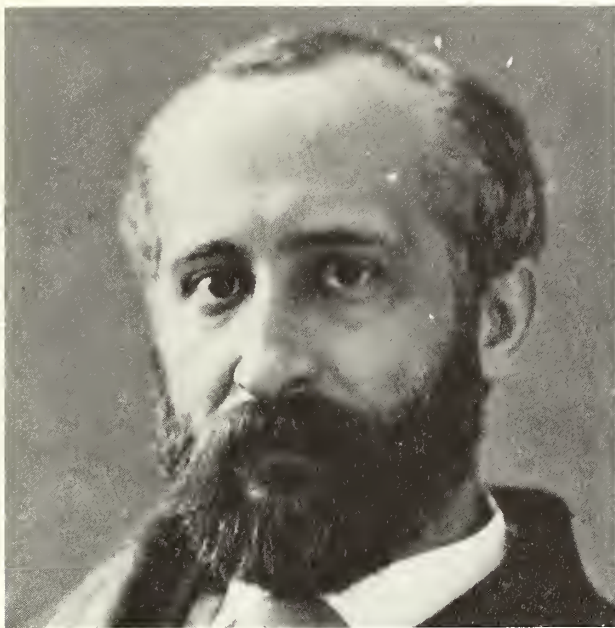
in other words, Democratic success was built on Republican stay-at-homes. The Democratic disaster of 1863 was, in fact, a one-state disaster: Vallandigham's attempt to become Governor of Ohio caused a Republican landslide in that state, but elsewhere the Democrats were only a little off their very good percentages of the previous year. In addition, they performed rather well, though still losing, with peace candidates in Connecticut and Pennsylvania. Silbey relies on correlations with previous elections and on checks of reversals at the county level to see whether Democratic turnout was normal and whether the geography of partisan advantage changed radically.

In 1864, the Democrats' new-found unity (they had not run as a united national party for some time) did not bring them success. Relying again on the work of political scientists, this time Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes in *Elections and the Political Order*, Silbey argues that the Democrats were victims of "valence" issues rather than "position" issues. No particular and specific policy recommendation made the Democrats too unpopular to win. Valence issues, the linking of parties "with some condition that is positively or negatively valued by the electorate," were their downfall. Silbey's chapter title tells the whole tale: "The Smell of Treason Was on Their Garments."

Silbey makes a virtue of the Democrats' consistency. He argues that they never really pursued a minority party strategy, despite their minority status after 1860. Vote-maximization was a goal pursued only within the confines of party identity. Their unity was built of inherited prejudices and loyalties and of consistent ideological orientation.

At one point, Silbey explains that he "made no effort to delineate precisely the numbers in each group or the nature of the socioeconomic and/or psychological elements shaping individual commitment to one group or another. This needs to be done and should be, building through state-level studies toward a national synthesis. Again, however, what is critical for my purposes is that such divisions existed and helped shape the behavior of a minority party seeking to recover control of the political process. Therefore, though the precise components of the various internal groups which were the sources of the shaping is an important matter, in sketching in a general strategic and tactical picture such description becomes somewhat less relevant I believe." And he warns in his preface that his is "an anatomy of party history, an attempt to provide a framework for understanding by sketching the landscape over which the Democrats had to travel, the nature of the partisan network of leaders and voters, and their perceptions and ideas, and the interaction among them, probing the boundaries and nature of the complex relationships that shaped the actions and determined the route the Democrats followed on the political landscape."

Certainly in an area of study where our understanding is as primitive as is the case in the study of the Civil War Democracy, we need rough trailblazing. There is reason for a tentatively broad and comprehensive look. At times, however, Professor Silbey's statements become so blandly broad that they amount to little more than common sense reinforced by sociological jargon. He seems at times to say: the Democrats were a party and wanted to win a majority of votes but could not do so at the expense of taking over the platform of their more popular adversaries. Adding a few fancy names to an analysis of the election of 1864 does not necessarily help much either. "Position" and "valence" issues may have been the nub of the matter, but do those words change what we have thought for a long time? Though the Democrats were a loyal opposition, they went down to defeat in 1864 amidst unfair Republican charges that they were treasonous Copperheads. Does this statement of the conventional wisdom on the



*From the Louis A. Warren
Lincoln Library and Museum*

FIGURE 2. Manton Marble was the influential editor of the *New York World*, a Democratic newspaper generally aligned with the "Legitimist" wing of the party.

nature of the election say anything less than Silbey does?

Whether the broadly sweeping approach is the proper one seems to be a serious problem. Here is another example. Silbey sees as a milestone in party history Clement Vallandigham's "Address of Democratic Members of the House of Representatives of the United States, To the Democracy of the United States," published May 8, 1862. It "dramatically signalled the formal revival of partisanship by a major group of national Democratic leaders and intensified interest in building up the tactical plans necessary for party victory and the consequent preservation of cherished principles and values," says Silbey. This is his summary of the Address:

The bulk of the Address was an arraignment, first, of administration policies which were destroying the Union and, second, of the easy assumption that the Democratic party should be disbanded in order for the war to be carried on more effectively. Democrats recognized the need to support the government "in all constitutional necessity, and proper efforts to maintain its safety, integrity and constitutional authority." But that is not what was being asked of Democrats. They were being asked "to give up your principles, your policy, and your party, and to stand by the Administration in all its acts." This they could never do, particularly for the sake of the country. The Democratic party

is the only party capable of carrying on a war; it is the only party that has ever conducted a war to a successful issue, and the only party which has done it without abuse of power, without molestation to the rights of any class of citizens, and with due regard to economy. . . . If success, then, in a military point of view be required, the Democratic party alone can command it.

Looked at from a closer perspective, the Address seems different. Vallandigham's capable biographer, Frank Klement, gives the Address rather a different interpretation, and Silbey certainly invites a comparison when he says in his footnote about the Address that Klement's book discussed the

Democratic meeting which produced the Address. This is Klement's summary of the meaning of the Address:

. . . he formed an ad hoc committee to prepare a statement of Democratic faith and tried to impose his antiwar views upon the other members. Some of the self-styled War Democrats, however, fully aware that Vallandigham's reputation as an antiwar man hurt rather than helped the party, used delaying tactics to nullify his leadership. Peeved and impenitent, Vallandigham then wrote a statement in collaboration with William A. Richardson of Illinois, tacked on the names of most Midwestern Democrats, and published it under the title "Address of the Democratic Members of the Congress to the Democracy of the United States." The document urged conciliation and compromises, recommended use of the ballot box to change the direction of events in the country, and asserted that states alone had the right to touch slavery. . . . The . . . address emphasized the worthiness of states' rights doctrine, restating the views of Jefferson and Calhoun. It tied the Democratic party to the past, promising to reconstruct the Union upon prewar ideas and with prewar institutions. . . . The document tried to foist the slogan "The Constitution as it is, the Union as it was" upon the Democratic party.

Vallandigham's action helped to widen the schism already existing within the Democratic party. Some of those whose names had been attached to the address were incensed or embarrassed. "I think no document ought to have been sent out," wrote one who found his name listed as a sponsor, "which was not acceptable to the majority of our party." Astute Democrats like Manton Marble . . . recognized the weaknesses of the abortive document. It abounded with "uncandid aspersions" and failed to condemn the Southern rebels. Marble viewed the latter as inexcusable. He also recognized that the document was "a monstrous anachronism."

Instead of unity, Klement saw conflict within the party over Vallandigham's Address.

To look at still another source on the Address is to see that the conflict it aroused followed an interesting pattern. In the biography of Vallandigham written by his brother James, the production of the Address seems even more exciting. "He prepared an address which, after much delay and difficulty," James wrote, "was signed by twelve Democratic Representatives from the West (six of them from Ohio), and by two from Pennsylvania, and one from New Jersey; all the other Eastern members except one, and four of the Western, refusing peremptorily to sign it." Clearly, the party was split along sectional lines, and the Eastern wing wanted to have nothing to do with so extreme a spokesman as Vallandigham.

Silbey's approach is broad, too, in the sense that it does not focus on individual leaders but on the great mass of Democratic voters. One problem encountered as a result of this approach is symptomatic of a more general problem that plagues the study of political history in America today. Silbey constantly asserts — indeed, it is a major thesis of the book — that the party did not operate exclusively as a machine for vote-maximization. Rather, Purists always pulled the opportunists back to the bedrock of party beliefs. The Democrats, he says, agreed on a conservative ideology of "militant constitutionalism and a determination to remain in the organization of their fathers." Thus Silbey's Democrats were consistent in partisan impulse or habit *and* in belief.

From 1862 on, the Democratic leaders developed an extensive critique of the Republican administration. Their arguments grew out of an ideology rooted in their traditions and experiences and the perceptions developed in their past about the role and power of government, about the nature of

the Constitution, and about the direction of racial and social policy within the nation. Whatever new problems the war introduced into American life, the Democrats responded in their usual ways. There was, therefore, a timelessness, a static quality to their arguments. A new Republican outrage during the war provoked additional violent rhetoric but the overall structure of the Democratic argument remained basically the same from the first day to the last.

As Republican policies began to take on the aspect of a social revolution in Democratic eyes, "The Democrats believed they were in a battle between two cultures, two nations." In sum, "Democratic traditionalism in rhetoric and in belief was the most dominant aspect of their response to the war, the Lincoln administration, and their own minority status."

Although Silbey has read editorial opinion in selected newspapers and has studied party platforms, he does not really attempt the kind of study of party rhetoric which would confirm or deny his thesis for certain. In truth, it is not fashionable to make such studies. Silbey's approach, that of studying the party *en masse*, is all the rage and discourages more traditional approaches to party history. Yet, as is often the case, the conclusions of such studies *en masse* are about ideology and expressions of belief more than they are about measurable and quantifiable behavior.

In the final analysis, Professor Silbey has a strangely sentimental view of the nature of political parties. In his preface he tells us that vote-maximization was not the whole story of party history. "The party often needed more than victory: it also needed to retain its soul." That parties have souls would be news to many a quantifier of electoral behavior. Silbey may be right, but only studies of party rhetoric and of the principles and beliefs of party leaders will prove it.

One brief excursion into such study may serve to suggest caution in accepting the view that the Democrats were a consistent, ideologically conservative party of constitutional timidity. Looking at the nearest party ideology, that of Fort Wayne, I find less consistency and less legitimacy in the Democratic party. Amidst rumors that war had actually broken out in April of 1861, the Democratic newspaper seemingly blurted out its doubts: "what right have we to seek to force our southern brethren to remain in the Union when they are resolutely determined hereafter to govern themselves?" Only a standing army and military despotism would keep a reluctant South in the Union, and the Union might as well not exist, for it would have lost its essential identity as a free country. After Stephen Douglas gave some national guidance in another direction, and after some savvy second thoughts, the local party supported the war effort. In fact, it supported it so wholeheartedly that it came to endorse the arrest of the members of the Maryland legislature by Federal authorities who suspended their privilege of the use of the writ of *habeas corpus* in order to keep them from meeting to pass a secession ordinance. "While we entertain the strongest reverence for the writ of *habeas corpus*, and object to its being set aside for any ordinary grounds, we admit there are conditions when the safety of the country may require it," said the paper. It also admitted the necessity of censoring the war news in the press and urged the adoption of military conscription as the only way to equalize the burdens of the war (New England, it claimed, did not fill its quotas). Months later, complaints about the suspension of the writ of *habeas corpus*, censorship, illegal arrests, and soulless conscription would become the stock-in-trade of local Democratic ideology. It would require a considerable metaphysician to locate the soul in this party newspaper.

As broad as Silbey's conclusions may be, he still produces intelligible conclusions and, on the whole, delivers what he promises: an overall scheme of Democratic party history for the Civil War era. Dozens of scholars, graduate students, and

local historians will go to work now and perhaps find objections, nuances, and twists to the story of the party that Professor Silbey never expected. But without his model to begin with, they would all be lost on uncharted waters. To the first explorer goes the bulk of the glory of discovery.

One hates to end on a sour note, but book lovers everywhere should take alarm at this production. That a major publisher like W. W. Norton & Company could produce such an appallingly bad example of the bookman's art is a sad comment on the depths to which the publishing industry has fallen. The footnotes are at the bottom of the page, but, oh, what a price we pay for this one good point. The book is riddled with typographical errors. Here are a few: "They" for "The" (page xi), "principle" (page 11), "outbteak" for "outbreak" (page 45), "adolutionist" (page 83), "marital" for "martial" (page 87), and "opposd" (page 110). Nor did the publishers offer Professor Silbey much in the way of editorial assistance. On page 27, the editor allowed the author to use "if" for "whether" to introduce a noun clause. On page 28, the editor allowed the use of "destructionaries" as though it were a word. On page 29, the editor let "hopefully" mean "it was hoped" rather than what it really means, "in a hopeful state." Examples from those three consecutive pages indicate the quality of Norton's editorial standards, and this is not a matter of finicky taste. A good editor would not allow such unintelligible prose as this: "They verbalized their ideology in order to fight elections and personalized their argument to make it concrete to the individual elector" (page 79).



From the Louis A. Warren
Lincoln Library and Museum

FIGURE 3. Clement Vallandigham was the leader of the peace wing of the Democratic party. Nevertheless, at the Democratic convention which nominated McClellan for the Presidency, he moved that the nomination be made unanimous.

POLITICO

Rep. Clement Vallandigham is born, July 29, 1820

By: Andrew Glass
July 29, 2010 04:29 AM EDT

On this day in 1820, Clement Vallandigham, a single-term congressman and a leader of the "Copperhead" faction of anti-war, pro-Confederate Democrats during the Civil War, was born in Lisbon, Ohio.

Vallandigham, a lawyer and son of a Presbyterian minister, believed in states' rights, low tariffs and slavery. After losing his House seat in 1862, he assailed "King Lincoln" for pursuing the Civil War, a charge that led to his being convicted of treason. A federal circuit judge upheld Vallandigham's military trial as a valid use of presidential war powers. But rather than having Vallandigham serve his two-year sentence, President Abraham Lincoln ordered him to be sent through the lines to the Confederacy.

After less than a year, Vallandigham fled through Bermuda to Canada. While in Canada, he and his supporters in Ohio sought to have him nominated for lieutenant governor. In 1864, he secretly returned to Ohio.

After the war ended in 1865, Vallandigham campaigned unsuccessfully for the House and Senate, denouncing the Reconstruction policies of the Radical Republicans.

Vallandigham's assertion that "he did not want to belong to the United States" prompted Edward Everett Hale to write the

short story, "The Man Without a Country."

Vallandigham died in 1871 at age 50, while serving as a defense lawyer for a man accused of killing someone in a barroom brawl. The lawyer sought to prove that the victim killed himself while trying to draw his pistol from a pocket.

~~Rep.~~ Clement Vallandigham is born, July 29, 1820 - 1

POLITICO

As Vallandigham conferred with fellow defense attorneys in his hotel room, he showed how he would demonstrate this to the jury. Grabbing a pistol he believed to be unloaded, he put it in his pocket to reenact the events. The gun discharged, and Vallandigham was mortally wounded. The defendant was subsequently acquitted.

Source: Office of History and Preservation, Clerk of the U.S. House

